

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 03, 2018

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Adam Michael Tomisser Case Number: 0980 2:11CR02115-EFS-1

Address of Offender: [REDACTED], Selah, Washington, 98942

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: July 11, 2012

Date of Resentencing: August 16, 2016

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 78 months; Type of Supervision: Supervised Release
TSR - 36 months

Resentencing: Prison - 57 months;
(08/16/2016) TSR - 36 months

Revocation Sentence: Prison - 12 months and 1 day;
(02/28/2017) TSR - 24 months

Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: February 2, 2018

Defense Attorney: Alison Guernsey Date Supervision Expires: February 1, 2020

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 **Special Condition #5:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On February 5, 2018, this officer met with Mr. Tomisser upon his release from custody. Mr. Tomisser reviewed and signed the revocation judgment and sentence, which outlined the conditions of supervised release.

Re: Tomisser, Adam Michael

April 3, 2018

Page 2

On March 26, 2018, Mr. Tomisser met with this officer and admitted to having relapsed and began using methamphetamine and marijuana on or about March 17 and 23, 2018. He signed an admission form confirming his use.

On March 30, 2018, Mr. Tomisser submitted to urinalysis testing and the instant test results were positive for methamphetamine and marijuana. Mr. Tomisser denied consuming methamphetamine since his last use on March 23, 2018. The urine specimen was sent to the laboratory for confirmation testing. On April 3, 2018, the urine specimen was confirmed positive for methamphetamine.

- 2 **Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Special Condition #5: You must abstain from the use of illegal controlled substance, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On February 5, 2018, this officer met with Mr. Tomisser upon his release from custody. Mr. Tomisser reviewed and signed the revocation judgment and sentence, which outlined the conditions of supervised release.

On May 30, 2018, Mr. Tomisser was directed by the undersigned officer to report for an office visit on April 2, 2018, for the purpose of submitting a urine sample. Mr. Tomisser failed to report as directed. On April 3, 2018, several attempts were made to contact Mr. Tomisser but all were met with negative results.

- 3 **Standard Condition #5:** You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

Supporting Evidence: On February 5, 2018, this officer met with Mr. Tomisser upon his release from custody. Mr. Tomisser reviewed and signed the revocation judgment and sentence, which outlined the conditions of supervised release.

On April 3, 2018, contact was made with Mr. Tomisser's mother who related the offender had moved out of her home about two weeks ago and has not seen or heard from him since. She stated the reason he moved out was because she suspected he was using illegal drugs.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegations contained in this petition.

Re: Tomisser, Adam Michael

April 3, 2018

Page 3

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 04/03/2018

s/Arturo Santana

Arturo Santana
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

April 3, 2018

Date